IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-09-2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.22113 of 2006 &
M.P.No.1 of 2006

Justice (Retd.) N.Arumugam .. Petitioner

Vs

1.State of Tamil Nadu
Rep. by its Secretary to Government
B.C., M.B.C. and M.W. Department
Fort St. George
Chennai -9.

2.State of Tamil Nadu
Rep. by its Secretary to Government
Public (Special-B) Department
Secretariat, Chennai -9. .. Respondents

Petition filed under Article 226 of Constitution of India for the issuance of Writ of mandamus directing the respondents to reimburse a sum of Rs.4,45,200/- the medical expenses spent by the petitioner together with interest.

For Petitioner : K.M. Vijayan, SC for M/s.La Law
For Respondents : Mr.A.Edwin Prabakar
Government Advocate

O R D E R

This writ petition has been filed for a direction to the respondents to reimburse a sum of Rs.4,45,200/- towards medical expenses spent by the petitioner.

2. The case of the petitioner is that being a retired Judge of this Court, having served in the High Court of Bombay and subsequently the Chairman of the Tamil Nadu Backward Classes Commission, he is entitled for the benefits available to the retired Judges and also that of the Chairman of the Tamil Nadu Backward Classes Commission.

3. In respect of bye-pass surgery undergone by the petitioner for the Cardio problem and subsequently major operations were done to the

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petitioner while he was working as the Chairman of the Tamil Nadu Backward Classes Commission and the hospital has claimed a total bill of Rs.4,45,200/-.

4. In fact the petitioner has paid the amount claimed by the Hospital. Since the petitioner is eligible for full reimbursement of the amount spent by him, which is allowed to all the retired Judges of this Court and the subsequent posting as the Chairman of the Tamil Nadu Backward Classes Commission which is also equivalent to the sitting Judge of this Court the petitioner made claims.

5. The petitioner has made representations to the respondents on 5.8.2004 and 19.1.2005. In fact the second respondent by his communication dated 28.1.2005 has informed the petitioner that the matter is being dealt with urgently. In spite of that there was no development and the amount has not been paid, which has resulted in the filing of the present writ petition for a direction as stated above.

6. When the matter came up for admission, this Court has directed the learned Government Advocate to take notice. On 18.7.06 the learned Government Advocate informed this Court that the matter is under active consideration of the Government and final orders will be issued soon. Subsequently, on 29.8.2006, the learned Government Advocate has submitted that the Finance Department has already approved the bill and only a formal order has to be passed and in such circumstances the matter is posted today for reporting compliance.

7. Today, the learned Government Advocate would submit that the final orders will be passed at any time. Further, he would submit that within the stipulated time the order will be passed in respect of the reimbursement of the amount.

8. In view of the above said fact, I do not think that there will be any legal impediment on the part of the second respondent to pass orders granting reimbursement to the amount already spent by the petitioner in respect of the medical treatment undergone by him especially in the circumstances that the said fact and quantum of payment are not in dispute.

9. In view of the specific stand taken by the learned Government Advocate, the second respondent is directed to pass orders granting reimbursement to a sum of Rs.4,45,200/- which has already paid by the

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petitioner and such orders shall be passed within a period of two weeks from the date of receipt of copy of this order. Consequently, connected M.P. is closed. No costs.

jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government
State of Tamilnadu,
B.C., M.B.C. and M.W. Department
Fort St. George
Chennai -9.

2.The Secretary to Government,
State of Tamil Nadu
Public (Special-B) Department
Secretariat, Chennai -9.

1 CC TO M/S LA LAW, ADVOCATE SR 42152

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